

Amendment No. 1 to SB0328

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 328

House Bill No. 144*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-10-402(a)(2)(B)(ii), is amended by deleting "twenty-five (25) days" and substituting "seventeen (17) days".

SECTION 2. Tennessee Code Annotated, Section 55-10-410, is amended by inserting the following language as a new subdivision (a)(3) and renumbering the subsequent subdivisions appropriately:

(3) Upon a third or subsequent conviction for violating § 55-10-401, involving the use of alcohol, the court shall order the person to wear a transdermal alcohol monitoring device for a minimum period of ninety (90) days of continuous sobriety without any confirmed drinking or tampering events upon release on probation. This requirement may be waived by the judge in the best interest of justice, if the person has already completed a ninety-day period of continuous sobriety as a condition of release on bail;

SECTION 3. Tennessee Code Annotated, Section 55-10-410(a)(1)(A)(iii), is amended by deleting "subdivision (a)(4)" and substituting "subdivision (a)(5)".

SECTION 4. Tennessee Code Annotated, Section 40-11-118(f)(1), is amended by designating the current language as subdivision (f)(1)(A) and adding the following new subdivision (f)(1)(B):

(B) If a person is charged with a third or subsequent offense of driving under the influence of an intoxicant under § 55-10-401 and the alleged offense involved the use of alcohol, then the judge or magistrate shall order the person, upon release on bail, to wear a transdermal alcohol monitoring device for a minimum period of ninety (90) days

of continuous sobriety without any confirmed drinking or tampering events, unless the person's criminal case is resolved prior to the completion of the ninety-day period.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.